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4 Attorney for Defendant  
GERALD ARMSTRONG  
5  
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF LOS ANGELES  
9

10 CHURCH OF SCIENTOLOGY )  
INTERNATIONAL, a California )  
11 not-for-profit religious )  
corporation; )

12 Plaintiff, )

13 vs. )

14 GERALD ARMSTRONG; THE GERALD )  
15 ARMSTRONG CORPORATION, a )  
California corporation; DOES )  
16 1-25, inclusive; )

17 Defendants. )  
18

Case No. BC 052 395  
BC 084 642 <sup>1</sup>/<sub>2</sub>  
[Consolidated]

DECLARATION OF FORD GREENE  
IN OPPOSITION TO SCIENTOLOGY'S  
MOTION TO VACATE STAY ORDER

Date: March 14, 1994  
Time: 8:30 a.m.  
Dept: 30

DISCOVERY CUT-OFF: None Set  
MOTION CUT-OFF: None Set  
TRIAL DATE: None Set

19 FORD GREENE declares:

20 1. I am an attorney licensed to practice law in the Courts  
21 of the State of California and am the attorney of record for  
22 Gerald Armstrong and The Gerald Armstrong Corporation, defendants  
23 herein.

24 2. I am also the attorney of record for said defendants in  
25 Church of Scientology International v. Armstrong, L.A.S.C. No. BC  
26 052 395 ("Armstrong II") and in the appeal of a preliminary  
27

28 <sup>1</sup> This case number no longer exists because on October 6,  
1993 the Court consolidated this case with BC052395.

COPY

1 injunction in that case for which notice was filed on July 30,  
2 1992, in Second District Court of Appeal, Case No. B 069 450. In  
3 said appeal, Scientology's motion for an Expedited Hearing  
4 Schedule served on May 11, 1993 was denied.

5 3. I have also participated in the litigation styled Church  
6 of Scientology International v. Fishman & Geertz, U.S. District  
7 Court, Central District of California, Case No. 91-6426 HLH(Tx).

8 4. Attached hereto and incorporated herein are true and  
9 correct copies of documents the authenticity of which I know  
10 because I am the attorney of record or attorney participating in  
11 the litigation in which they were filed excepting Exhibit C as to  
12 which I know the authenticity thereof on information and belief.  
13 Said documents are designated as follows:

14 A - Motion for Expedited Hearing Schedule filed in  
15 Second District Court of Appeal Case No. B 069450.

16  
17 B - Declaration of David Miscavige dated February 8,  
18 1994, in Church of Scientology International v.  
19 Fishman & Geertz, U.S. District Court, Central  
20 District of California, case No. 91-6426 HLH(Tx)

21  
22 C - Affidavit of Helen Margaret Barlow sworn February  
23 1994 in Church of Scientology Advanced Organization  
24 Saint Hill and Africa v. Robin Scott, et al. in the  
25 High Court of Justice, Queen's Bench Division, 1984  
26 S. No. 1675.



1 D - Letter to Eugene Ingram, Private Investigator dated  
2 November 7, 1984 from Phillip Rodriguez, Los  
3 Angeles Police Department;

4  
5 E - Public Announcement by Daryl F. Gates, Chief of  
6 Police, Los Angeles, April 23, 1985.  
7

8 Under penalty of perjury pursuant to the laws of the State of  
9 California I hereby declare that the foregoing is true and correct  
10 according to my first-hand knowledge, except those matters stated  
11 to be on information and belief, and as to those matters, I  
12 believe them to be true.

13 Executed on March 6, 1994 at San Anselmo, California  
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28



FORD GREENE





IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FOUR

Civ.No.B 069450  
(Super.Ct.No.BC 052395)

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CHURCH OF SCIENTOLOGY INTERNATIONAL,  
Plaintiff-Respondent,  
-vs-  
GERALD ARMSTRONG,  
Defendant-Appellant.

---

On Appeal From Superior Court Of The State of California  
County of Los Angeles  
The Honorable Ronald M. Sohigian

---

MOTION FOR EXPEDITED HEARING SCHEDULE

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Attorneys for Respondent

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

Civ.No.B 069450  
(Super.Ct.No.BC 052395)

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CHURCH OF SCIENTOLOGY INTERNATIONAL,

Plaintiff-Respondent,

-vs-

GERALD ARMSTRONG,

Defendant-Appellant.

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On Appeal From Superior Court Of The State of California  
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The Honorable Ronald M. Sohigian

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MOTION FOR EXPEDITED HEARING SCHEDULE

---

Appellee, Church of Scientology International, upon the annexed declaration of Laurie Bartilson, and the accompanying memorandum of points and authorities, moves for an expedited hearing schedule in the above-captioned appeal. The ground for the motion is that defendant-appellant Gerald Armstrong has used the filing and pendency of this appeal as an excuse to ignore the prohibitions of the preliminary injunction issued by the Superior Court and as a means to avoid adjudication of plaintiffs' claims on their merits. As found by the Superior Court in granting the preliminary injunction, plaintiff-appellee will suffer irreparable legally cognizable harm by Armstrong's acts, for which there is no adequate remedy at law.




As demonstrated in the Brief for Respondent, filed on April 21, 1993, there is a substantial likelihood that respondent will prevail on this appeal. Early determination of the appeal will permit respondent to enforce the injunction effectively, thereby protecting respondent from ongoing irreparable harm.

Respondent therefore requests that this Court calendar this appeal for hearing at its earliest possible convenience.

DATED: May 11, 1993

Respectfully submitted,

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The Honorable Ronald M. Sohigian

---

MEMORANDUM IN SUPPORT OF MOTION  
FOR EXPEDITED HEARING SCHEDULE

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This appeal is from a preliminary injunction order entered by Los Angeles County Superior Court Judge Ronald M. Sohigian requiring defendant Gerald Armstrong to comply with certain terms of a written settlement agreement signed by Armstrong, while represented by counsel, pursuant to which Armstrong received approximately \$800,000. The preliminary injunction order is narrow and specific: it prohibits Armstrong from "voluntarily assisting any person (not a governmental organ or entity) arbitrating or litigating a claim against the [plaintiff and certain other entities and individuals associated with plaintiff]", or voluntarily assisting any person "intending to make, -- press, . . . arbitrate, or . . . litigate" such a claim



(1715)<sup>1</sup> The injunctive order also contains several explicit exceptions, which make clear that Armstrong is free to testify as a witness, accept service of process, and report criminal conduct to proper authorities. Id.<sup>2</sup>

In entering the preliminary injunction, Judge Sohigian made the requisite factual findings that the threatened acts which he enjoined "would do irreparable harm to plaintiff which could not be compensated by monetary damages" (1714); that such irreparable harm would outweigh any potential harm to Armstrong resulting from the injunction (id.); that the limited injunction "will preserve the status quo pending trial" (id.); and, most significantly, that "There is a reasonable probability that plaintiff will prevail after trial of this case in the respects restrained by this order." Id. Indeed, Judge Sohigian explicitly noted the issues raised by the controversy (1716), and found that plaintiff was likely to prevail on its claims of the

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<sup>1</sup> References to "\_\_\_" are to pages in Appellant's Appendix in Lieu of Clerk's Transcript.

<sup>2</sup> The injunctive order states:

The court does not intend by the foregoing to prohibit defendant Armstrong from: (a) being reasonably available for the service of subpoenas on him; (b) accepting service of subpoenas on him without physical resistance, obstructive tactics, or flight; (c) testifying fully and fairly in response to properly put questions either in deposition, at trial, or in other legal or arbitration proceedings; (d) properly reporting or disclosing to authorities criminal conduct of the persons referred to in sec. 1 of the "Mutual Release of All Claims and Settlement Agreement" of December, 1986; or (e) engaging in gainful employment rendering clerical or paralegal services not contrary to the terms and conditions of this order.



existence of a contract, the lack of duress, and the legality of terms of the settlement agreement pursuant to which defendant agreed "not to assert or exercise rights which [he] might otherwise have." Id.

As shown in the Brief for Respondent, the factual record and the applicable legal principles virtually compelled the Superior Court's holding. Armstrong knowingly entered into a settlement agreement with the assistance of counsel, accepted a substantial amount of money, and made no effort to rescind the contract or return his part of the bargain. Yet he openly acknowledged his violation of the agreement and consistently stated that he would continue to do so.

This motion is compelled by recent acts and statements by Armstrong in which he has made clear that he has no intention of abiding by the terms of the preliminary injunction, at least until the conclusion of the present appeal. Thus, less than a month after the injunction was issued, Armstrong asserted under oath in deposition that he would not honor its terms:

I have absolutely no intention of honoring that settlement agreement. I cannot. I cannot logically. I cannot ethically. I cannot morally. I cannot psychically. I cannot philosophically. I cannot spiritually. I cannot in any way. And it is firmly my intention to not honor it.

Q. No matter what a court says?

A. No court can order it. They're going to have to kill me.

[Ex. A, June 24, 1992 Deposition of Gerald Armstrong, p.124.]

Armstrong's intention to ignore the injunction was reiterated in a letter sent by Armstrong to plaintiff's counsel,



dated December 22, 1992. [Ex. B.] In that letter, Armstrong threatens that, if he is not paid \$500,000 and this lawsuit dismissed, he intends to travel voluntarily to South Africa to testify against a Church of Scientology, give interviews to the media (an independent violation of the settlement agreement), and voluntarily assist anyone and everyone opposing Churches that he can locate. [Id., pp. 3,4,6,7,8.] In that same letter, Armstrong makes plain the contempt which he has for the court that issued the injunction:

There is also, as mentioned above, the fact that in order to defend myself from your attacks and to fund the defense of the litigation you have fomented I must speak and must publish. I'm sure you understand that I remain completely confident that no court, other than the odd one your mercenaries are able to compromise with bucks, babes or bull, will order me not to defend myself.

[Id., p.5 (emphasis supplied).]

Consistent with his defiant statements, since the injunction Armstrong has aided claimants and litigants in violation of the injunction. [Declaration of Laurie Bartilson, ¶¶ 2-5.]

In response to these contemptuous statements and acts, the plaintiff moved in the court below for an order of contempt. On December 31, 1992, Judge Sohigian, issued an Order to Show Cause Re: Armstrong's Contempt. [Ex. C.] The Order to Show Cause was set for hearing before a different Superior Court judge, however, the Honorable Diane Wayne.<sup>3</sup> Armstrong urged Judge Wayne not to consider the Church's contempt motion, arguing, inter alia, that the pending appeal would decide all of the

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<sup>3</sup> On January 1, 1993, Judge Sohigian moved to a different Superior Court appointment.



issues which she was about to face. Determining that only the narrow issue of whether the injunction was sufficiently specific would be determined by the appeal, Judge Wayne nonetheless continued the hearing on the Order to Show Cause until June, 1993, finding that this single issue was relevant to her determination of the Order to Show Cause. [Declaration of Laurie J. Bartilson, ¶¶ 6-7.]

Plaintiff, still faced with Armstrong's repeated violations of both the Agreement and the Injunction, filed dispositive motions seeking summary adjudication of its claims for liquidated damages and a permanent injunction. Armstrong, rather than responding to the dispositive motions, moved for a stay of the lower court proceedings, again using the pendency of the appeal to justify the requested delay. The lower court, the Honorable David Horowitz, suspended proceedings before him (but not the injunction itself) until the day after this Court rules on Armstrong's appeal. [Ex. D.]

Armstrong has now seized upon Judge Horowitz's proceedings as carte blanche to openly defy the preliminary injunction and the underlying contract upon which the injunction is founded. On May 3, 1993, he wrote to plaintiff's trial court counsel, Ms. Bartilson, proclaiming that the stay of enforcement proceedings "has the effect as well of staying the injunction; therefore I am not constrained even by the narrow prohibitions of Judge Sohigian's ruling." [Ex. D.] Armstrong went on in no uncertain terms to state that he fully intends to ignore the prohibitions of the preliminary injunction.



Under the circumstances, plaintiff now seeks an early and expedited hearing of this appeal, at the convenience of the Court. Armstrong's continued defiance of the preliminary injunction violates the terms of his contract with plaintiff, and inflicts continuing and irreparable harm upon plaintiff.<sup>4</sup> If this Court affirms the issuance of the injunction, as we believe it will, either Armstrong will be compelled to comply with it or plaintiff will be able to seek enforcement in the court below.


CONCLUSION

The Court should schedule hearing in this case on an expedited basis, at its earliest convenience.

DATED: May 11, 1993

Respectfully submitted,

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<sup>4</sup> This is so whether or not the suspension of enforcement proceedings was intended to stay the prohibitory terms of the injunction itself.







1 affiliated in any corporate capacity with the plaintiff, Church  
2 of Scientology International ("CSI"). I make this declaration  
3 for several reasons. First, until January 4, 1994, the date on  
4 which I was informed that my deposition had been ordered in this  
5 case by Magistrate Judge Tassopoulos, I had no idea that I would  
6 be required to testify in this case. I was never served with any  
7 subpoena for such testimony, I have never had any contact,  
8 whatsoever with either defendant, and I had nothing whatsoever to  
9 do with this case until now. In fact, it was not until January 6,  
10 1994, after my deposition had been ordered, that I first read the  
11 outrageous papers filed by Geertz's counsel when he sought to  
12 have my deposition ordered. Second, upon reading those papers,  
13 I discovered that Geertz's counsel made arguments to the  
14 Magistrate Judge that gave her the absolutely false impression  
15 that I was evading service of subpoena. It caused me great  
16 concern to learn that the Magistrate Judge had asked, "Why has  
17 Mr. Miscavige avoided service?" I did no such thing, and were it  
18 not for the baseless allegations which Geertz's counsel  
19 proffered, I believe the Magistrate Judge would instead have  
20 asked Geertz's counsel, "Has Mr. Miscavige been served?" The  
21 truthful answer to that question is "No." Third, my lawyers'  
22 efforts to arrange for my deposition to be taken have been  
23 rebuffed by Geertz's counsel, who, at the same time, is  
24 threatening to move for a contempt citation against me for not  
25 appearing at a deposition he has refused to schedule. It is  
26 inconceivable to me that Geertz's counsel can seriously contend  
27 that I am to blame for a deposition not going forward when he has  
28 refused to depose me. Finally, in the course of these



1 proceedings, Geertz's counsel, Robert Vaughn Young and Stacy  
2 Young have made a number of allegations about me and about the  
3 Scientology religion which require a response, so there can be no  
4 doubt that those allegations are false.

5 3. I have read the vile declarations filed by Vaughn and  
6 Stacy Young in this case. It is clear to me that the false  
7 allegations they have filed have been offered solely for the  
8 purpose of making me the centerpiece of this litigation, and that  
9 their motivation is to forward a litigation tactic of harassment  
10 to the point of a hoped-for default by the only laintiff to this  
11 action, CSI. The foregoing is based on the falsity of the claims  
12 they have made, my personal knowledge that both of these  
13 individuals are not qualified to testify to the matters they have  
14 addressed by declaration, and because I have seen the same  
15 litigation tactics used before in instances where Vaughn Young  
16 would have learned this "technique." Therefore, this declaration  
17 is submitted to demonstrate that I have no knowledge of the  
18 defendants in this case, to set the record straight concerning  
19 the false allegations of Vaughn and Stacy Young, and to comply as  
20 fully with the court order concerning my deposition as Geertz's  
21 counsel's actions permit, since Geertz's counsel has declined all  
22 opportunities to do so. I also submit this declaration because I  
23 feel the Court has been poisoned into believing that I have had  
24 some role in this litigation by the statements of the Youngs and  
25 counsel for Geertz, to which I have neither responded nor even  
26 had the opportunity to respond.

27  
28



1 BACKGROUND

2 4. I have been a practicing member of the Scientology  
3 religion since 1971. In 1976, I joined staff of the Church of  
4 Scientology of California (and the Sea Organization -- the  
5 Scientology religious order). During my tenure in this  
6 corporation, I held many positions. In 1977, I had the  
7 opportunity to work directly with L. Ron Hubbard in many  
8 different capacities. In 1978, Mr. Hubbard was engaged in the  
9 production of Scientology films which had the purpose of training  
10 Scientology counsellors (called "auditors") in the practice of  
11 Scientology. During this time I was the Chief Cameraman. Later,  
12 I worked directly with Mr. Hubbard as a member of the Commodore's  
13 Messenger Organization ("CMO"), which duties consisted of  
14 assisting Mr. Hubbard in whatever activities he was engaged in.  
15 The functions are best described as an assistant. Later, when  
16 Mr. Hubbard went into seclusion to continue his researches on  
17 Dianetics and Scientology, and to engage in his own writings, I  
18 became part of a newly formed CMO organization, CMO  
19 International.

20 5. CMO International's role was to see that the  
21 management of the Church operated in accordance with Scientology  
22 policy and technology. The title of my position was Action  
23 Chief. In short, this post was responsible for missionary  
24 activities of the Church, where personnel from the Mother Church  
25 would travel to different parts of the world to see to the proper  
26 operation of various Church activities and to take corrective  
27 action where necessary. The types of missions I generally  
28 supervised were those that saw to the correct functioning of the



1 Church management and the correction thereof.

2 6. From the beginning of 1982 until March of 1987, I was  
3 Chief Executive Officer and later Chairman of the Board of Author  
4 Services, Inc. ("ASI"), a California corporation which managed  
5 the personal, business, and literary affairs of L. Ron Hubbard.  
6 Later in this declaration, I describe how I came to that  
7 position.

8 7. Since March of 1987, I have been Chairman of the Board  
9 of Religious Technology Center ("RTC"), a California non-profit  
10 religious corporation recognized as tax exempt under Section  
11 501(c)(3) of the Internal Revenue Code. RTC is not part of  
12 Church management, nor is it involved in the daily affairs of  
13 various Church of Scientology organizations or missions. RTC  
14 ensures that the trademarks of Dianetics and Scientology, and the  
15 technology they represent, are properly used around the world.  
16 It exists to see that Dianetics and Scientology technology is  
17 safeguarded, is in good hands, and is properly used.

18 8. RTC was formed with the specific purpose of seeing that  
19 the religion of Scientology was kept pure and true to the source  
20 materials of the religion. In fact, a major reason for its  
21 formation was to have such a Church organization that performed  
22 these functions in a capacity entirely separate from the actual  
23 management of the various Churches and Missions of Scientology.  
24 Not only is RTC not involved in the management of the  
25 international hierarchy of Scientology churches, but its very  
26 existence and performance of its true functions depends on the  
27 fact that it is NOT part of Church management. The authority of  
28 the Religious Technology Center stems from the ownership of the



1 trademarks of Dianetics and Scientology. In brief, RTC's  
2 maintenance of these trademarks is threefold: A) ensuring that  
3 when something is represented as Dianetics or Scientology, that  
4 it actually is; B) seeing that any organization representing  
5 itself as Dianetics or Scientology (and using those names), while  
6 actually being something entirely different, is prevented from  
7 doing so; and C) seeing that anyone offering Scientology, but  
8 calling it something else (a name other than Dianetics or  
9 Scientology) is prevented from doing so. I could give various  
10 such examples where actions listed in B) and C) have actually  
11 occurred, although it is not necessary here. Suffice it to say  
12 that when such has occurred, RTC has acted, with litigation when  
13 necessary, and has been able to uphold the proper use of the  
14 marks in every instance.

15 9. As Chairman of the Board, the most senior position in  
16 RTC, I am uniquely interested in the standard application of the  
17 Scripture of Scientology as detailed in Hubbard Communications  
18 Office Policy Letters (HCO PLs) and Hubbard Communications Office  
19 Bulletins (HCOBs) and the spoken words of Mr. Hubbard on the  
20 subjects of Dianetics and Scientology as recorded on audio tape,  
21 video, film and, in some cases, written transcriptions of these  
22 materials. I inspect and correct departures from the standard  
23 application of the Scripture of the religion. I also ensure that  
24 any attempted perversion of the technology of Dianetics and  
25 Scientology is rapidly dealt with, to keep the religion pure so  
26 that all people may benefit from the application of Mr. Hubbard's  
27 breakthroughs in the fields of the mind, the spirit and life.

28 10. In the course of my duties I travel widely. I often



1 appear at Church events and briefings which serve to keep  
2 Scientologists around the world aware of the widespread  
3 application of Mr. Hubbard's writings. In all such appearances,  
4 my position as Chairman of the Board of RTC is known, as is its  
5 distinction from actual Church management officials of CSI. I  
6 also oversee the affairs of the Religious Technology Center in  
7 its function of verifying that the source writings of the  
8 religion are kept pure. This specifically includes the  
9 verification that the materials representing themselves as being  
10 Dianetics and Scientology are in fact that, and that they  
11 honestly reflect the source writings of the religion by L. Ron  
12 Hubbard. I also oversee RTC's function of assuring that the  
13 trademarks of Dianetics and Scientology are legally registered  
14 and kept current in over 190 countries around the world.

15 11. Neither RTC nor I has any corporate authority over any  
16 Scientology church, including CSI. CSI is the Mother Church of  
17 the Scientology religion and has been since its inception in  
18 1981. As such, CSI is responsible for the activities  
19 commensurate with such a role, including the ecclesiastical  
20 management of Churches, dissemination and propagation of the  
21 faith and defense of its activities, including external and legal  
22 affairs. All of the foregoing facts were submitted to and  
23 thoroughly reviewed by the Internal Revenue Service prior to the  
24 recent recognition of the tax-exempt status of CSI, RTC and a  
25 host of other Church corporations and entities.

26  
27 FAILURE TO SERVE SUBPOENA

28 12. Apparently Geertz's counsel made some attempts to serve



1 me with a deposition subpoena in Los Angeles in December of 1993,  
2 when I was away from California on business in the United Kingdom  
3 and Washington, D.C. I keep a busy schedule that requires  
4 extensive travel in the course of handling a wide range of  
5 ecclesiastical duties, and my schedule has nothing to do with the  
6 presence or absence of process servers. In January, I was away  
7 on business in Clearwater, Florida and Washington, D.C. In  
8 Washington, I met with the head of Interpol, Raymond Kendall, on  
9 one of the days that Geertz's counsel unilaterally set for my  
10 deposition. This meeting had been arranged for more than a month  
11 and since this individual was travelling all the way from  
12 Interpol headquarters in Europe, it was hardly something I could  
13 cancel. During that same week, and on another day arbitrarily set  
14 for my deposition, I met with IRS officials in a similarly pre-  
15 arranged meeting. In fact, I was only home for approximately 25  
16 days in all of 1993. I was simply not in the State of California  
17 during the entire time in which service attempts on me were  
18 apparently being made. I understand this fact was made known to  
19 the Magistrate Judge in this case and later to the Court. To  
20 this day, I have never received a subpoena in this case.

21 13. Any suggestion that I try to avoid giving testimony is  
22 just false. In May of 1992, I testified at a legal proceeding in  
23 Toronto, Canada, although there was no legal means to compel my  
24 testimony. I testified for four full days in the summer of 1993  
25 in Church of Scientology International v. Eli Lilly, et al., a  
26 case pending in federal court in Washington, D.C. There are over  
27 1100 pages of deposition transcript that comprise that  
28 deposition, with very little in the way of objections or



1 colloquy. I did so because I knew my testimony was needed and  
2 relevant. In 1990, I was deposed for two full days in Bent  
3 Corydon v. Church of Scientology International. In that  
4 instance, I was "rewarded" for appearing by having plaintiff's  
5 counsel serve me with various subpoenas in other disrelated  
6 matters. In both Lilly and Corydon, the opposition first  
7 attempted to notice my deposition while concurrently arguing that  
8 I would "refuse to appear." In each instance I was forced to  
9 refute such nonsense and in fact did appear. To claim that I  
10 evade service or avoid being deposed or otherwise avoid giving  
11 testimony is nonsense on its face.

12 14. I want the Court to be aware that upon learning that my  
13 deposition had been ordered by the Magistrate Judge on January 4,  
14 1994 and upon reading the allegations that apparently led to  
15 that order, which I first read on January 6, 1994, I consulted  
16 with my counsel in this matter, who advised that I seek the  
17 Court's review of the Magistrate Judge's order concerning my  
18 deposition. At the same time, I also instructed my counsel that  
19 in spite of the fact that I had no knowledge of the issues raised  
20 in this case, and in spite of the lack of any service of a  
21 subpoena on me, and in spite of the fact, as noted above, I was  
22 to be out of town for much of January, counsel should try to make  
23 arrangements for my deposition to be taken, should the Court not  
24 reverse the Magistrate Judge's order. Efforts to make such  
25 arrangements commenced on January 10, 1994 and continued through  
26 February 4, 1994. I am informed that Geertz's counsel was not  
27 willing to discuss a mutually acceptable date for my testimony,  
28 particularly at the end of that period, when Geertz's counsel



1 declined even to propose a date for my deposition. In the  
2 meantime, while refusing to depose me, he threatens me with  
3 contempt for not having been deposed. I am convinced that this  
4 entire tactic of attempting to bring me into a case where my only  
5 involvement stems from this pursuit of my testimony, is for the  
6 purpose of harassment and to forward a litigation tactic of  
7 avoiding litigation of the actual case by use of abusive and  
8 irrelevant discovery tactics.

9 15. As a result, I feel I should make whatever effort I  
10 can to set the record straight on many of the false and  
11 inflammatory allegations that have been injected into this case.  
12 Therefore, I am using this written declaration to inform the  
13 Court of what my testimony would have been. I also am making my  
14 testimony available, because of my great concern that my name has  
15 been attacked in such a way that the Court has made rulings  
16 regarding my appearance based entirely on falsehoods presented by  
17 Geertz's counsel and Vaughn and Stacy Young.

18  
19 NO KNOWLEDGE OF DEFENDANTS

20 16. I first heard the name Steven Fishman in the summer of  
21 1990, when it was brought to my attention that someone by that  
22 name had been sentenced to prison for mail fraud and obstruction  
23 of justice and that in the course of being sentenced, he had  
24 referred to me by name and it had been alleged that illegal acts  
25 he had committed were as a result of Fishman being "implanted"  
26 and caused pain by inserting BIC pens in his penis and forcing  
27 him to smell human feces. As I had never heard of Fishman and  
28 because the allegations were such tabloid rot, I assumed this was



1 some new form of "insanity defense" and that Fishman had picked  
2 my name out of the press or something. I never thought about the  
3 matter again, until 1991, when I read the 8 page cover story in  
4 Time Magazine concerning CSI in the May 6, 1991 edition. At no  
5 time, either before or since I read their names in that magazine,  
6 have I met with, spoken to, communicated with or otherwise had  
7 any contact or communication of any kind with either Geertz or  
8 Fishman. It was when I read that article that I first heard the  
9 name Uwe Geertz.

10 17. Geertz has submitted copies of purported correspondence  
11 from defendant Steven Fishman to Church members making reference  
12 to me as a participant in Fishman's mail fraud crimes. These  
13 references to me are pure fiction. Indeed, I have been informed  
14 that CSI has filed with the Court an unrebutted declaration of a  
15 typewriter expert who concluded that these letters could not have  
16 been created on the dates claimed by Fishman.

17 18. Other than the falsified documents of a convicted  
18 felon, the defendants have identified no other "evidence" that I  
19 even knew Fishman, much less ordered or condoned crimes for which  
20 he was imprisoned. Instead, Geertz has submitted two vicious  
21 declarations, from Vaughn and Stacy Young, which attack and  
22 vilify me personally without reference to any issue in this case.  
23 Most significantly, neither of the Youngs ever suggests that they  
24 ever heard me or any other senior official in the Scientology  
25 religion mention Steven Fishman or Uwe Geertz in their presence.  
26 At no time does either one even suggest that they know anything  
27 that connects me to any issue in this case. The reason they have  
28 failed to do so is clear: they have no such evidence of my



1 involvement with Fishman or Geertz because no such evidence  
2 exists.

3       19. Exemplifying the unsupportable, irrelevant and  
4 malicious nature of Vaughn Young's personal assault on me is his  
5 false and repugnant insinuation that I was involved with the  
6 death of my mother-in-law, Mary Florence Barnett. Not only is  
7 there no evidence to support this claim by Young, but there is  
8 clear evidence to the contrary. With the reports of the coroner  
9 and the medical examiner's investigator, and with the deposition  
10 of the medical examiner taken by Geertz's counsel at hand -- all  
11 to the unanimous, unequivocal conclusion that Ms. Barnett died  
12 from self-inflicted gunshots -- Young has the temerity to suggest  
13 that I should be investigated to determine what he calls my role  
14 in that tragic suicide. With complete disdain for the facts and  
15 no regard whatsoever for any sense of decency, Young has taken a  
16 personal tragedy in my family's life, the suicide of my  
17 mother-in-law, and attempted to make this an issue in this  
18 lawsuit by twisting it to imply non-existent wrongdoing on my  
19 part. I not only had nothing to do with this tragic incident,  
20 but Vaughn Young's gratuitous embellishment that I ordered the  
21 matter "hushed up" is equally false. My only association with  
22 this tragedy was to console my wife who was understandably  
23 emotionally traumatized and grief stricken. Vaughn Young's  
24 effort to exploit this tragedy is malicious in and of itself, but  
25 his innuendo and attempts to recast the incident, despite the  
26 uncontroverted evidence as to the true cause of Ms. Barnett's  
27 death, show the depths to which he is willing to sink.

28       20. At this point, I have stated all I know of Steve



1 Fishman and Uwe Geertz and anything that could possibly be  
2 relevant to this case. However, Vaughn and Stacy Young have  
3 taken it upon themselves to introduce into this case their  
4 version of my history with the Church. I cannot understand the  
5 relevance of this under any circumstances, but since counsel has  
6 now refused to take my deposition while concurrently levelling  
7 threats, I feel I am forced to give a brief history of what  
8 actually occurred to be in compliance with the Court's order if  
9 such is considered relevant, and to show in proper context how  
10 Vaughn and Stacy Young are simply incapable of competently  
11 testifying to events they have "described" in their declarations.

12

13 HISTORY OF FALSE ALLEGATIONS

14 21. False allegations leveled against me in the context of  
15 litigation or in the media are nothing new. I raise this point  
16 only so that the Court will understand that the sort of  
17 scurrilous personal attack on me launched by Geertz's counsel and  
18 Vaughn Young is the latest in a pattern of such attacks in  
19 litigation over the years. I recognize that it is not uncommon  
20 for leaders of organizations and movements to be subjected to  
21 such attacks. I can only assume that I am attacked because I am  
22 visible as the ecclesiastical leader of the Scientology religion.  
23 I note that I am the ecclesiastical leader of the religion, not  
24 the Church. The mischaracterization of my role made by the  
25 editors of Premiere magazine in an editorial note cannot convert  
26 me from the leader of the religion to the head of the Church.  
27 Neither can the imprecise use of language by Ted Koppel on ABC's  
28 Nightline Show. Both of those erroneous designations are



1 examples of the media not understanding the nature of what I do  
2 or the nature of my relationship to the Church. In the case of  
3 Premiere, the same article that contained the erroneous statement  
4 by the editors, also contained a photo caption which I did  
5 compose and which did correctly identify my position as "David  
6 Miscavige, Chairman of the Board of Religious Technology Center,  
7 Holder of the Trademarks of Dianetics and Scientology." On  
8 "Nightline," I was sitting on live, nationwide TV, engaged in  
9 rebutting a set up video for the show, containing 15 minutes of  
10 false and outrageous charges about Scientology and did not deem  
11 it important to pause from correcting those false charges so I  
12 could educate Mr. Koppel on matters of corporate structure.

13       22. My name has now been dragged through the mud in this  
14 litigation, not only by means of a mean-spirited personal attack,  
15 but also as part of what appears to be a tactic of hurling false  
16 and irrelevant allegations against Church of Scientology  
17 International, the Scientology religion and its Founder. It is  
18 unfortunate that I am now put in the position of defending my  
19 reputation and refuting lies about my religion that have become  
20 part of the record in this case. In that regard, I must note  
21 that in reviewing the sordid and outrageous allegations made  
22 about me by Geertz's counsel and Mr. Young, I was struck by their  
23 technique of using vague, innuendo-filled vignettes and  
24 unsubstantiated rumors in an effort to sound authoritative. I  
25 was also struck by the way that their declarations attempt to  
26 portray normal things as abnormal. I can only submit that trying  
27 to make the usual seem strange and trying to color events by  
28 innuendo are the tools by which bigotry is crafted and prejudice



1 is spread.

2 23. The personal attacks on me, as well as many other  
3 irrelevant and malicious falsehoods that have been brought in  
4 this case, have largely been introduced through declarations of  
5 Robert Vaughn Young and Stacy Young and forwarded by Geertz's  
6 lawyer, Graham Berry. The Youngs left Scientology almost five  
7 years ago, have no personal knowledge of the current activities  
8 of RTC, CSI, or any other part of Scientology and, by their own  
9 admission, have no personal knowledge of the defendants in this  
10 case. Neither Vaughn nor Stacy Young ever worked with me or even  
11 near me during the entire time I have been employed by RTC. They  
12 couldn't possibly testify to any of my activities as RTC's  
13 Chairman of the Board since 1987 because they simply were in no  
14 position even to observe such activities. They are not experts  
15 on anything relating to Scientology, but have apparently been  
16 hired to file inflammatory declarations on non-issues in this  
17 suit. The Youngs are, however, generally aware of the fact that,  
18 through the years, attempts to malign me personally and create a  
19 false picture of the Church with sensational allegations have  
20 been the stock-in-trade of litigants opposing the Church and the  
21 former Scientologists upon whom counsel rely to swear to matters  
22 they do not know and to make false allegations for which they  
23 have no basis. I believe that the Youngs' awareness of that  
24 litigation ploy explains their involvement in this case and  
25 defines the role they are playing.

26 24. For example, part of Vaughn Young's attack is his  
27 complete mischaracterization of my role in the dismantling and  
28 permanent disbanding of the Guardian's Office ("GO"). The



1 Guardian's Office and the fallout that resulted from it is  
2 particularly significant as it is the linchpin of a litigation  
3 tactic that has been employed for years against me and the  
4 Church. Vaughn Young is simply revisiting the same path trod by  
5 others before, but as this has now been injected into the case I  
6 feel it important to address this matter, even if necessarily  
7 briefly.

8 25. Young would have the Court believe that I was an  
9 opportunist, using the jailing of Mary Sue Hubbard as a means of  
10 taking control of the GO, while leaving its criminally tainted  
11 substance unchanged and operating under a different name. This  
12 is a complete perversion of the true events, as set forth below.  
13 I would not have expected Young to know all of the details of how  
14 I directed the disbanding of the GO and the permanent expulsion  
15 of its leaders and other wrongdoers, as he was in a low level  
16 position in the GO at the time. However, he knows that when the  
17 staff of other Church units completely took over the GO offices  
18 and put an end to it as an organization, literally hundreds of  
19 his fellow GO staff members were dismissed, expelled from the  
20 religion, and forever barred from ever holding any position in  
21 any Church organization again.

#### 22 23 DISBAND OF THE GUARDIAN OFFICE

24 26. To understand the magnitude of this upheaval, a  
25 description of the history, power and authority of the GO is  
26 vital. The GO was established in March of 1966 because legal and  
27 other external facing matters were consuming the time and  
28 resources of Churches of Scientology. In particular, Church



1 leaders were being distracted from their primary functions of  
2 ministering to the spiritual needs of their expanding religious  
3 communities and building their organizations. During the 1970s  
4 the GO operated as an entirely autonomous organization unchecked  
5 and unsupervised by the ecclesiastical management of the Church.  
6 The power of the GO was absolute. Unless a member of the GO, one  
7 could not even enter their locked offices. They held all  
8 corporate directorships. They and they alone dealt with legal  
9 affairs of the Church. The GO operated in complete secrecy, and  
10 conducted its affairs independently of the Church and its  
11 management and personnel. Any attempt to find out their affairs,  
12 by Church ecclesiastical staff or any Scientologist, was met with  
13 the same "treatment" they handed out to others. For instance, GO  
14 staff carried out illegal programs, such as the infiltration of  
15 government offices for which eleven members of the GO were  
16 prosecuted and convicted. There were also instances in which GO  
17 staff used unscrupulous means to deal with people they perceived  
18 as enemies of the Church -- means that were completely against  
19 Scientology tenets and policy, not to mention the law.

20 27. In 1981, a Church investigation was begun into the  
21 activities of the GO. That investigation was prompted by the  
22 existence of a number of civil law suits which had been filed at  
23 that time against Church of Scientology of California and Mr.  
24 Hubbard, and which the GO was supposed to be responsible for  
25 handling. Not only was the GO not handling these suits, the GO,  
26 and particularly Mary Sue Hubbard, even refused to answer our  
27 questions about the suits because they viewed themselves  
28 answerable only to persons within the GO. My involvement in the



1 purge of the GO arose from my position at the time, Action Chief  
2 CMO International. My duties included directing Church  
3 missionaries conducting the investigation of the GO to determine  
4 the reasons for the GO's ineffectiveness and why the GO had  
5 departed from its original purpose.

6 28. Our attempts to get information were thwarted by Mary  
7 Sue Hubbard. She informed us that she did not appreciate our  
8 investigation of the GO and that if one were needed she would do  
9 it. In March 1981 she cut all of our communication lines to the  
10 GO, except through herself. It must be noted that Mary Sue  
11 Hubbard believed her position as Controller and as the "Founder's  
12 wife" to be unassailable and beyond reproach by anyone but Mr.  
13 Hubbard -- who was not around at the time, a fact that she was  
14 well aware of. This, plus her absolute control of the GO, made  
15 it difficult for the Church missionaries to get anything done.

16 29. In April 1981, in an unprecedented move and without  
17 Mary Sue Hubbard's knowledge, I sent a mission to the  
18 headquarters of the GO in England -- GO World Wide ("GOWW") -- to  
19 inspect the Legal Bureau under the guise that it had been  
20 authorized by Mary Sue Hubbard. What the mission found confirmed  
21 our worst suspicions.

22 30. We discovered that the GO had grossly mismanaged the  
23 legal affairs with which it had been entrusted, and displayed a  
24 disdain for the basic policies by which a Scientology  
25 organization is supposed to be guided. Whatever else the GO was,  
26 it was not Scientology, and it was not adhering to Scientology  
27 policy. Moreover, the GO continued to withhold from Church  
28 management the darkest of its secrets -- the criminal acts



1 committed by GO staff against the United States government and  
2 others. We only learned of these crimes when we read copies of  
3 GO documents attached as exhibits to court papers filed by  
4 litigation adversaries. These documents had been removed by the  
5 GO from its own files in order to continue to hide their  
6 criminality from the Church. While the FBI had seized these  
7 documents in their 1977 raid of the Church, the GO had obtained  
8 an order sealing these materials from the public, including the  
9 Church. During a short period, the Court had lifted its sealing  
10 order and litigation adversaries obtained copies. And that is  
11 why we were only able to start discovering these acts when filed  
12 by the opposition in civil litigation.

13 31. When further investigation proved the documents to be  
14 authentic, it was made clear that we had no choice but to  
15 overthrow the GO and dismiss everyone who had violated Church  
16 policy or the law. These activities ultimately led to a complete  
17 disband of the GO. I gathered a couple of dozen of the most  
18 proven Church executives from around the world and briefed them  
19 on the criminal and other unethical conduct of the GO. Together,  
20 we planned a series of missions to take over the GO, investigate  
21 it and reform it thoroughly. On July 13, 1981, a matter of weeks  
22 after we had uncovered what was going on, and with no advance  
23 warning to the GO, a coordinated series of CMO missions were sent  
24 out concurrently to take over the GO.

25 32. However, there were a number of obstacles to overcome  
26 before the termination of the GO could be accomplished. Mary Sue  
27 Hubbard was still asserting her authority over the GO from her  
28 position as Controller. Contrary to Young's statements, she was



1 not in jail, but was still very much in control of the GO. At  
2 the same time, Mary Sue Hubbard was covertly attempting to expand  
3 her power through her friendship with and influence over Laurel  
4 Sullivan, a Church staff member who was in charge of a project  
5 she referred to as the "MCCS project" -- the purpose of which was  
6 to "sort out" the corporate structure of Church of Scientology of  
7 California.

8 33. Instead of addressing a sensible reorganization of that  
9 Church, Sullivan and her GO supporters were making their own  
10 plans to establish trusts and for-profit entities which would  
11 have placed even greater corporate control of the Church in the  
12 hands of Mary Sue Hubbard and other GO executives in a fashion  
13 that would have assured the permanency of GO dominance and power.

14 34. Shortly before the purge of the Guardian's Office, I  
15 discussed with Laurel Sullivan various illicit GO activities we  
16 had already uncovered. Sullivan was aware of these activities.  
17 Sullivan did not agree that the acts the GO had committed were  
18 atrocious and that Mary Sue Hubbard and the rest of her criminal  
19 group needed to be removed. She insisted that Mary Sue Hubbard  
20 remain in power and that at all costs she and the Guardian's  
21 Office should maintain total control of the organization  
22 regardless of the criminal acts exposed by the government and  
23 others, in which Sullivan felt the GO was completely justified in  
24 committing.

25 35. Upon learning of Laurel Sullivan's alliance with the GO  
26 and the plans to reorganize the Church under Mary Sue Hubbard and  
27 her GO allies, I removed Sullivan from her position and disbanded  
28 the MCCS project altogether. In fact, recently released



1 documents reveal that Laurel Sullivan -- who would later become  
2 an adverse witness against the Church and me -- long ago admitted  
3 to law enforcement officials that the corporate restructuring of  
4 the Church actually implemented, differed entirely from that  
5 envisioned in her MCCS project.

6 36. Contrary to Young's claims, Mary Sue Hubbard was  
7 removed from her post before she went to jail. I know, because I  
8 personally met with her and obtained her resignation. Vaughn  
9 Young was not present at that meeting nor was he present at any  
10 of the events described here. He does not and cannot know what  
11 occurred. I do. At first, Mary Sue Hubbard was not willing to  
12 resign. Eventually she did so. Mary Sue Hubbard and the GO,  
13 however, did not simply capitulate.

14 37. Within a day of Mary Sue Hubbard's resignation, senior  
15 GO officials secretly met with Mary Sue Hubbard and conspired to  
16 regain control of the GO. Mary Sue Hubbard signed a letter  
17 revoking her resignation and condemning the actions of the CMO.  
18 Scores of GO staff responded, locking the missionaries out of  
19 their premises and were intending to hire armed guards to bar  
20 access by me and the other Church officials who had ousted them.  
21 I then confronted the mutineers, and persuaded Mary Sue Hubbard  
22 to again resign, which ended the last vestige of GO resistance.

23 38. When it was decided that cleaning up and maintaining  
24 the Guardian's Office in any form was not workable and that it  
25 needed to be disbanded altogether, this was accomplished by a new  
26 series of CMO Int missions sent to GO offices around the world.  
27 The pattern of the missions was to remove all GO staff from their  
28 positions and put them on estates work and physical labor around



1 the church. Before being disbanded the GO's Finance Bureau had  
2 monitored some aspects of the Church's finances, including the  
3 production of and maintenance of accounts and financial records.  
4 With the disbanding of the GO, this function was taken over by  
5 the International Finance Network, where it remains. Public  
6 relations activities were put under the direction and supervision  
7 of the L. Ron Hubbard Personal Public Relations Officer  
8 International and his staff. All GO social betterment functions  
9 - drug rehabilitation, criminal rehabilitation and educational  
10 reform, were taken over by a new organization known as Social  
11 Coordination. Later this function was assumed by Association for  
12 Better Living and Education ("ABLE"), recognized as a tax-exempt  
13 organization by the IRS. To administer legal affairs, the Office  
14 of Special Affairs ("OSA") was formed from a mixture of Sea Org  
15 staff who had been on one or more of the missions that had  
16 disbanded the GO, new staff recruited to work in the area and  
17 some former GO staff who had survived investigation and scrutiny  
18 and had undergone ethics clean-ups relating to their former  
19 affiliation in the GO. Completely unlike the GO, the Office of  
20 Special Affairs is not an autonomous group. OSA International is  
21 part of the Flag Command Bureaux and the highest OSA management  
22 position is that of CO OSA Int. The Watchdog Committee has a WDC  
23 member, WDC OSA, whose sole job is to see that OSA Int  
24 effectively performs its functions and operates according to  
25 Church policy. Local OSA representatives, called Directors of  
26 Special Affairs, are staff at their local church subject to the  
27 supervision of the church's Executive Council.

28 39. To further ensure that the old GO influence was



1 completely terminated, all "Guardian Orders," the non-standard  
2 issues which GO staff followed instead of Mr. Hubbard's policies,  
3 were canceled. These numbered in the thousands. Today, none of  
4 the individuals involved in the criminal activities of the  
5 Guardian's Office are serving on the staff of any organization  
6 within the Church hierarchy. During the years 1981 through 1983,  
7 the Church kept a record of the names of individuals we found to  
8 have been involved in illegal activities, who condoned them, or  
9 who were in a position where they should have known and done  
10 something to stop them. Any individuals who were found at that  
11 time to be on staff were dismissed and informed never to apply  
12 for re-employment. A list of names of ex-GO members either  
13 involved in, condoning, or being in a position to stop criminal  
14 acts is maintained by the International Justice Chief (IJC) at  
15 Flag Bureaux. Church organizations are required to check with  
16 IJC prior to hiring any ex-Guardian's Office staff member; that  
17 means anybody who was ever employed by the GO, whether he was  
18 involved in or cognizant of any criminal acts or not. The IJC  
19 then checks the names against the list of those banned from staff  
20 and informs the local Church organization whether it can hire the  
21 individual or not. The Church has thus ensured that no  
22 individuals involved in the criminal activities of the GO ever  
23 serve on staff. Ironically, the lone exception, discussed below,  
24 was created by Vicki Aznaran.

25 40. Vaughn Young displays his ignorance of the actual facts  
26 concerning the dissolution of the GO, for this was no mere  
27 "cosmetic alteration," as he so ridiculously asserts. In a police  
28 interview, Laurel Sullivan, the GO ally and architect of the



1 stillborn MCCS project, characterized the purge of the GO as a  
2 "blitzkrieg," in marked contrast to Vaughn Young's vastly  
3 understated description. It was, in fact, a major, dramatic, and  
4 permanent overhaul, with over 800 GO staff dismissed as  
5 unqualified or because of their disagreements with Church  
6 policies or because of their complicity in criminal conduct. It  
7 required approximately 50 separate missions to purge the GO.  
8 The posts of Guardian and Controller were abolished.

9 41. As a direct result of the GO corruption and its  
10 ultimate overthrow, the Church embarked on a complete corporate  
11 reorganization, in part to prevent such criminality from ever  
12 occurring again and to make sure a "new GO" could never come  
13 about. This is where CSI and RTC came into existence and the  
14 reasons for their place in the Church hierarchy are clearly  
15 stated in the Church of Scientology International reference book  
16 What is Scientology?

17 NOVEMBER 1, 1981

18 The Church of Scientology International was founded,  
19 signaling a new era of Scientology management. A  
20 strong standardized corporate structure was required to  
21 facilitate the rapid expansion of Scientology and  
22 maintain high ethical standards in a widespread  
23 international network of churches. This followed a  
24 series of Sea Org inspections that discovered that the  
25 Guardian's Office (which had been established in 1966  
26 to protect the Church from external attacks and care  
27 for its legal matters) had become entirely autonomous  
28 and corrupt. The Guardian's Office had been



1 infiltrated by individuals antithetical to Scientology  
2 and had become an organization that operated completely  
3 apart from the day-to-day activities of the Church.

4 Their secret actions in violation of Church policy had  
5 resulted in eleven members being jailed for obstruction  
6 of justice. Sea Organization executives overthrew the  
7 Guardian's Office and disbanded it. Part of the  
8 measures taken to ensure a similar situation could  
9 never recur was the formation of the Religious  
10 Technology Center on 1 January 1982. L. Ron Hubbard  
11 bestowed the trademarks of Scientology to RTC, whose  
12 purpose is to safeguard the proper use of the marks and  
13 ensure they remain in good hands and are properly used.

14 42. Vaughn Young calling the dismantling of the GO  
15 "cosmetic" is the functional equivalent of someone referring to  
16 World War II as a "tiff." He wasn't where the dismantling  
17 occurred, he doesn't know what happened, and he has no clue.

18 43. It is important to point out how far from the actual  
19 practice of Scientology the GO had departed and to point out the  
20 reason that Young is attempting to trivialize the purge of the  
21 GO. Unless Young characterizes the GO dismantling as "cosmetic,"  
22 he cannot argue that his allegations of what he calls "Fair Game"  
23 continued to be committed after the GO was eradicated. It is a  
24 standard ploy for opposing litigants to point to the GO and  
25 allege "Fair Game" being practiced today on the basis of what the  
26 GO did thirteen or more years ago. In Young's "Fair Game"  
27 accusations, he is merely trying to stigmatize the Church today  
28 by dredging up the type of illicit activity in which the GO



1 indulged and falsely ascribing it to the people who are  
2 responsible for ridding Scientology of the GO. What the GO did in  
3 the 1970's was not pursuant to "Fair Game." One should call  
4 their actions by the precise term that describes them: illegal.  
5 But which side was Vaughn Young on during the early 1980s when  
6 all of this criminal conduct came to light? I was cleaning out  
7 the GO; Young was in the GO. We became aware of the acts of the  
8 Guardian's Office and were more horrified by the GO and its  
9 crimes than law enforcement officials and others outside the  
10 Church. Eleven people were indicted by the authorities; we  
11 discharged 800 GO staff. There isn't one iota of evidence  
12 concerning my involvement in any GO activities, or that of any  
13 other current Church executive. None of us had any involvement in  
14 the GO other than to obliterate it forever. Moreover, there isn't  
15 one iota of evidence that any current Church staff or executive  
16 ever engaged in any conduct reminiscent of the GO.

17 44. Once the Guardian's Office was disbanded there was much  
18 that needed to be done to deal with the legal and public  
19 relations matters that had been mishandled by that office for so  
20 many years. The years of neglect and the GO's destructive acts  
21 had put the Church in a position where it was repeatedly being  
22 attacked in civil cases, and even the Founder of the religion was  
23 being pulled into these suits, despite the fact that he had no  
24 connection with any of the claims or acts alleged by civil  
25 litigants.

26

27 FORMULATION OF AUTHOR SERVICES

28 45. Mr. Hubbard took no part in the disbanding of the GO or



1 removal of Mary Sue Hubbard. In fact, the first he heard of it  
2 was five months after the initial purge, in July of 1981. While  
3 he had been out of communication and uninvolved in Church  
4 activities for the previous two years, he had engaged in further  
5 researches on Dianetics and Scientology. More relevant, however,  
6 was that he had also, for the first time since the release of  
7 Dianetics in 1950, resumed his writing of fiction. Mr. Hubbard  
8 understood that the representation of these works and their  
9 publication could not be handled within the Church. Accordingly,  
10 in 1982, Author Services was formed to manage the personal  
11 affairs of L. Ron Hubbard including his literary, financial and  
12 legal matters. As I was held in some regard by Mr. Hubbard, I  
13 was given the opportunity to be part of this new endeavor.  
14 Beginning in 1982, I devoted my full time and attention to Mr.  
15 Hubbard's personal affairs from my position as Chief Executive  
16 Officer of Author Services. Young's contention that I was  
17 somehow managing all Scientology Churches internationally at the  
18 same time that I was supervising Mr. Hubbard's affairs is  
19 preposterous.

#### 21 FALSE ALLEGATIONS AS A LITIGATION TACTIC

22 46. Since the purge of the GO, I have been repeatedly  
23 forced to deal with the points of false allegations that Mr.  
24 Young has made here, as well as other lies circulated by a  
25 handful of the very individuals I had kicked out. I have become  
26 the target of attack for the activities of the very individuals I  
27 purged from the Church. In this litigation, Fishman has made  
28 numerous allegations about my "involvement" in his criminal



1 enterprise. These allegations are not only false, but resulted  
2 in his criminal conviction. Vaughn and Stacy Young have littered  
3 the record of this matter further by giving "expert" testimony to  
4 support Fishman's allegations by stating, "they might have  
5 occurred" based on the acts of the old GO. This is not the first  
6 time this tactic has been used as a litigation ploy to harass me  
7 and divert the Court's attention from the actual facts in  
8 litigation. Each time similar allegations have been raised in  
9 the past, however, I have been completely vindicated.

10 47. The first bizarre episode -- of which Mr. Young is  
11 aware, but of which he makes no mention -- illustrates Mr.  
12 Young's knowledge of the tactic of generating false allegations  
13 as a litigation ploy. This particular episode led to an FBI  
14 investigation and a bogus lawsuit, but ultimately led to complete  
15 exoneration of me. Shortly after I became Chief Executive  
16 Officer of ASI, a call came in to ASI from a New England-based  
17 bank. The phone caller was calling to verify that a check  
18 supposedly signed by Mr. Hubbard should be cleared. After  
19 ascertaining that the check was not valid, I stopped payment on  
20 it in my capacity as the Chief Executive Officer of Mr. Hubbard's  
21 personal, business and literary agency. The matter of this  
22 forged check, however, assumed even greater proportions when a  
23 so-called "probate" action was commenced against the "estate" of  
24 L. Ron Hubbard.

25 48. The probate action was filed by a Boston-based  
26 personal injury attorney who induced Ron DeWolfe (L. Ron  
27 Hubbard's estranged son who had long since been written out of  
28 his will), to claim that Mr. Hubbard's estate was being looted



1 and that DeWolfe should be appointed to "protect it." This  
2 Boston attorney was the same one who had pending literally dozens  
3 of damage suits naming Mr. Hubbard and which portrayed the Church  
4 and the religion's Founder in the most outrageous and prejudicial  
5 manner imaginable. Yet, suddenly, in the probate action, that  
6 lawyer was suing to "protect" Mr. Hubbard's estate.

7 49. To buttress the false claim that Mr. Hubbard's estate  
8 was being looted, DeWolfe and his lawyer made reference to the  
9 forged check mentioned above. I had no idea how they were aware  
10 there had been an attempt to pass a forged check on Mr. Hubbard's  
11 account. Upon examining the facts we were able to develop, we  
12 learned that the bank had informed the FBI about the forged  
13 check, and that the first and only person the FBI contacted for  
14 information was this same Boston attorney, who told the FBI that  
15 I, one of Mr. Hubbard's closest and trusted friends, was the most  
16 likely candidate to have committed the forgery! As a result, I  
17 became the target of an FBI investigation, even though I had been  
18 the one who stopped payment on it when I was alerted to the  
19 check's existence. Eventually, the entire probate case was  
20 dismissed and I was cleared of any involvement with the forgery.  
21 Nonetheless, I had been unjustly subjected to negative press in  
22 all manner of media publications literally all over the world.  
23 Furthermore, this incident of the forged check and the probate  
24 case marked the emergence of a new litigation tactic, one that  
25 Vaughn Young and Geertz's counsel are trying to exploit here.

26 50. Upon the dismissal of the probate action, DeWolfe's  
27 attorney announced that his "real" purpose in bringing the  
28 probate action had been to force Mr. Hubbard out of seclusion so



1 he could be served in the civil damages cases filed by DeWolfe's  
2 lawyer. The idea was simple. Aware that Mr. Hubbard wanted to  
3 maintain his privacy and seclusion, the lawyer would notice  
4 Mr. Hubbard's deposition as both an individual and as a "managing  
5 agent" of the Church. Default or settlement then would follow a  
6 managing agent finding and non-appearance. This ploy was  
7 particularly effective since Mr. Hubbard went completely out of  
8 touch with any and all Church entities from May of 1984, until he  
9 passed away in January of 1986. Even if they had so desired, the  
10 Church was literally incapable of presenting Mr. Hubbard for  
11 deposition to give testimony to end this ruse. Vaughn Young knew  
12 that Mr. Hubbard was not in communication with the Church during  
13 the time that ploy was being pursued. Vaughn Young also knew  
14 this litigation tactic, and his knowledge of it is evident in  
15 this case. It is precisely what is happening here, except  
16 Young's false claims of managing agent of the Church status are  
17 directed at me.

18 51. I am not L. Ron Hubbard, nor am I in seclusion. I am  
19 visible and I testify. Most of all, as set forth in detail  
20 above, I am not CSI's managing agent, and Vaughn Young's attempt  
21 to characterize me as such collapses from the weight of his  
22 ignorance of the corporate, tax, legal and financial structures  
23 of RTC, CSI, and every other Church related organization.  
24 Ironically, this tired litigation tactic was finally put to rest  
25 with respect to L. Ron Hubbard hours before his death on January  
26 24, 1986, when Judge Mariana R. Pfaelzer definitively ruled that  
27 L. Ron Hubbard was not the managing agent of any church. A copy  
28 of that order is annexed as Exhibit A.



1        52. Next, I was subjected to a two and a half year criminal  
2 investigation by the Internal Revenue Service. Ironically, the  
3 very people I had kicked out of the GO exploited the government's  
4 concern over acts the GO had committed to make me the target of  
5 an investigation based on the very acts they had committed. Of  
6 course they didn't make their previous associations with the GO  
7 known. In fact, the IRS's Criminal Investigation Division  
8 ("CID") was based on specious allegations filed in civil  
9 litigation and spread in the media. The thrust of the  
10 investigation was an alleged criminal conspiracy begun in 1966 to  
11 impede the Internal Revenue Service. I was the primary target of  
12 this investigation even though I was only six years old when I  
13 began the "conspiracy."

14        53. The CID's massive investigation was ultimately rejected  
15 outright by the Justice Department. However, the IRS dossier on  
16 me, an accumulation of over 100,000 pages of documents -- the  
17 largest in the Service's history -- was filled with falsehoods  
18 from a handful of bitter former Scientologists and ex-GO like Mr.  
19 Young. It contained the same allegations that have been  
20 repeatedly disproved, but which are nevertheless being made again  
21 in this case.

22        54. For example, Mr. Young repeats the allegations made by  
23 Gerry Armstrong that the Church practices "Fair Game" and that  
24 Gerry Armstrong was in "fear of his life." To bolster the  
25 validity of this allegation, Vaughn Young refers to the  
26 Breckenridge decision. What Mr. Young fails to disclose,  
27 however, is the fact that following that opinion, Armstrong was  
28 proven a liar. In a police-sanctioned investigation, Gerry



1 Armstrong was captured on video tape acknowledging his real  
2 motives, namely a plot to overthrow the Church leadership and  
3 gain control of the Church. On those very video tapes, Armstrong  
4 acknowledges he not only isn't "afraid," but that he "will bring  
5 the Church to its knees." While plotting his overthrow attempt  
6 he gives advice that the Church should be accused of various  
7 criminal acts. When told no evidence exists to support such  
8 "charges," he responds, "just allege it." It should be noted  
9 that while Gerry Armstrong had been an "informant" during the IRS  
10 criminal investigation, based on these tapes and statements, the  
11 IRS dropped him as a witness, thereby repudiating his  
12 credibility. Vaughn and Stacy Young were fully aware of these  
13 facts as Stacy wrote the cover story in Freedom Magazine that  
14 exposed Armstrong's plot.

15 55. The steady barrage of such falsehoods poisoned the IRS  
16 with respect to the Church generally and me personally. Years  
17 later, IRS Internal Security agent Keith Kuhn filed a declaration  
18 in several cases, falsely accusing me of threatening another IRS  
19 agent with whom I had never spoken in my life. That declaration  
20 was stricken as unsupported and scurrilous, and the IRS was  
21 ordered by Judge Keller of this Court to pay sanctions for having  
22 filed it at all. [Ex. B, Order and transcript, Church of  
23 Scientology of California v. IRS, No. CV 90-5638 WDK (C.D.Cal.)]

24 56. The attempts to harass me in litigation have extended  
25 to creating not just false allegations, but false documents as  
26 well. In 1984, a former staff member, who was employed by a  
27 splinter group that was seeking to pull Scientologists away from  
28 the Church for the splinter group's profit, created a forged



1 document entitled SMASH THE SQUIRRELS which was allegedly written  
2 by me and which purported to show that I intended some form of  
3 harassment towards apostates of Scientology. One would normally  
4 ignore such wild incidents, except this document was continuously  
5 used against me in litigation, most particularly to prevent me  
6 from gaining access to government files on me. I have had to  
7 fight this issue for years and only last year was this matter put  
8 to rest. This document was recently examined in a Freedom of  
9 Information Act case, Miscavige v. IRS, No. CV 88-7341 TJH  
10 (C.D.Cal.) by Special Master Jack Tenner, who found that it was,  
11 in fact, a forgery and could not be used in court. That decision  
12 was affirmed by Judge Hatter of this Court. [Ex. D, Order of  
13 Judge Hatter.] Even though this document has been ruled to be a  
14 forgery, Geertz's attorneys have now referred to it and seek to  
15 use it in this case as if it were real.

16 57. Perhaps the most telling indication that the allegations  
17 made by Mr. Young and other apostates regarding corporate and  
18 financial affairs of various Church entities are false, is the  
19 recent recognition of the tax exempt status of all Scientology  
20 Churches in the United States by the IRS. This recognition of  
21 exemption followed the most exhaustive review of financial  
22 records and corporate structure of any exemption application ever  
23 filed. That process is described in detail in the accompanying  
24 declaration of Monique E. Yingling. [Ex. C.] As part of the  
25 exemption process, the IRS also considered and rejected virtually  
26 all of the same allegations that are now being made against me in  
27 this case. These discredited and untrue charges should not have  
28 to be dealt with time and time again. After the most extensive



1 review in IRS history, to have uninformed apostates  
2 second-guessing the IRS's determination, and regurgitating false  
3 claims that the IRS and Courts have rejected again and again,  
4 putting me in the position of defending against the same old  
5 allegations, is ludicrous! This has to end somewhere, as it is  
6 not just wasting my time, but the Court's time as well. All the  
7 while further false accusations are made that the Church likes  
8 litigation. Magistrate Tassopoulos stated on January 4, 1994,  
9 "You know you people enjoy the fight..." To the degree this  
10 statement is directed at me, she is just wrong. I despise  
11 litigation and in fact know of no Scientologist who enjoys it.  
12 However, we have been forced to defend ourselves because of  
13 unfounded allegations the courts seem too willing to accept or  
14 which they are incapable of preventing.

15

16 THE YOUNGS' LACK OF KNOWLEDGE OF SCIENTOLOGY CORPORATE MATTERS

17 58. Putting aside Mr. Young's familiarity with the tactic  
18 of maligning the Church and me as a litigation weapon, I simply  
19 do not understand from where Mr. Young purports to derive his  
20 self-proclaimed "expertise" about Scientology as a religion, or  
21 about the corporate, legal, or financial affairs of RTC, CSI, or  
22 any other Scientology organization. I know Mr. Young, having  
23 worked with him briefly on specific projects in 1981 and 1983,  
24 and once held him in some personal regard. He never occupied any  
25 position of corporate or ecclesiastical authority in any Church  
26 or in ASI, and certainly did not have any significant personal  
27 exposure to how the corporate or ecclesiastical structure of  
28 Scientology is established or how it works. He cannot claim any



1 personal knowledge in that regard since July of 1989. At no time  
2 did he occupy any "inner circle" in Scientology leadership and,  
3 in candor, he was never in any position to have any knowledge of  
4 what I do or how I do it. To that I must add that despite his  
5 outrageous claim to the contrary, I never in my life laid a  
6 finger on Vaughn Young, let alone beat him unconscious or  
7 otherwise, as he claims. Indeed, this allegation only surfaced  
8 once he attempted to enmesh me in this case. It is absurd on its  
9 face for Mr. Young to have omitted this alleged incident from his  
10 earlier affidavits which purportedly cited the reasons "why he  
11 left the church." In my mind, his need to invent complete lies  
12 such as this reveal that his motives are personal, his character  
13 is spiteful, his aim is money, and his means to those ends know  
14 virtually no limits.

15 59. Vaughn Young completely misstates my relationship to  
16 the plaintiff Church of Scientology International. Young claims  
17 that I somehow direct, manage and control every facet of CSI's  
18 operations and activities. This also is ludicrous. CSI has well  
19 over a thousand staff members who deal with international  
20 promotion and dissemination efforts, evaluate situations in  
21 Scientology churches around the world, and provide plans and  
22 programs that give guidance to these churches. This is the  
23 activity of international and middle management of CSI, which has  
24 an entirely different purpose and sphere of activity than RTC.  
25 My job as Chairman of the Board involves many functions, but does  
26 not include management of CSI or any other Scientology church. I  
27 do not create corporate strategy nor do I direct or manage the  
28 personnel of CSI. I do not remove CSI's directors or officers. I



1 do not run CSI or its executives. Anyone who would testify to  
2 the contrary is either uninformed or untrustworthy.

3 60. The Youngs have chosen not only to malign me  
4 personally, but also to attack the very religious beliefs and  
5 practices which they once professed to follow. Although the  
6 religious nature of Scientology has been recognized by courts and  
7 administrative bodies throughout the world for decades, the  
8 defendants and their witnesses are attempting to enter the  
9 constitutionally forbidden area of judicial evaluations of  
10 religious tenets by placing the meaning and efficacy of religious  
11 beliefs and practices of Scientology on trial. Deliberately  
12 distorted interpretations of Scientology religious doctrine have  
13 been filed in this Court concerning Scientology concepts such as  
14 PTS Type 3 and Black Dianetics. At the same time, defendant  
15 Steven Fishman has also invented entirely fictitious terms such  
16 as "EOC," and claimed that they are part of Scientology. They  
17 are not. His claim that there is anything in the Scientology  
18 religion that even resembles a directive to commit murder or  
19 suicide is as outrageous as it is ridiculous. These are all  
20 total misrepresentations of religious doctrine made by people who  
21 are not in the least qualified to make doctrinal judgments. I can  
22 say categorically that "EOC" does not exist in Scientology, and  
23 the concept ascribed to it in this case by the defendants is  
24 false and scandalous.

25 61. Young tries to gain credibility by stating he was one  
26 of maybe ten people summoned to Mr. Hubbard's ranch when he  
27 passed away. He was not the first to be called, but arrived with  
28 a cook, a carpenter, gardeners, and a guard. More importantly,



1 the press on LRH's passing away was not handled from the ranch.  
2 Vaughn Young was at the ranch to deal with any local inquiries  
3 and with the neighbors and farmhands who had been friends of Mr.  
4 Hubbard, and he worked under the guidance of another ASI staff  
5 member.

6 62. Young also mentions Pat Broeker, and attempts to  
7 position Broeker as someone who had power and legitimacy within  
8 the Church structure. Young, who never held a senior management  
9 position during the entirety of his time in the Church, falsely  
10 claims that there was a power struggle between Broeker and me  
11 after the death of L. Ron Hubbard. This assertion demonstrates  
12 Young's lack of knowledge of the actual corporate structure of  
13 the Church. Pat Broeker was neither an officer nor a director  
14 nor a trustee of Religious Technology Center, CSI or any other  
15 Church corporation. It was only an ignorant and destructive  
16 few, such as Vaughn Young and Vicki Aznaran, who ever believed or  
17 supported Broeker's claims to authority. No removal of Pat  
18 Broeker occurred or was necessary. He simply did not hold any  
19 position in any Church corporation. Vicki Aznaran, on the other  
20 hand, was removed from her position as President and Inspector  
21 General of RTC. She herself has testified to the reasons for her  
22 removal -- employing an ex-GO staff member involved in criminal  
23 acts and allowing false Church scriptures to be presented as  
24 authentic writings of Mr. Hubbard, when she knew they were not.

25 63. All of the foregoing should be viewed in the context of  
26 Scientology being a new, evolving religion. Although  
27 unfortunate, all emerging religions in history have gone through  
28 a period of turmoil, especially following the death of its



1 Founder. Scientology is no exception. However, we have entered  
2 into an extended period of calm and expansion since these  
3 upheavals in the 1980s. The resolution of the long-standing  
4 conflict with the IRS is perhaps the best indicator of this.

5  
6 "OF AND CONCERNING" CSI

7 64. The only issue mentioned by the defendants in  
8 connection with taking my deposition which is even arguably  
9 relevant to this case is the so-called "of and concerning" issue.  
10 That can be disposed of in a few sentences. When a person makes  
11 a statement about "Scientology" or the "Church of Scientology,"  
12 the most reasonable conclusion is that the reference is to CSI.  
13 CSI is the Church corporation that is viewed as "Scientology" by  
14 the public at large. Major Scientology publications found in  
15 public bookstores regularly contain introductory remarks from  
16 CSI. For example, the book What is Scientology?, which has just  
17 recently been distributed in paperback around the country, has an  
18 introduction from CSI. Freedom Magazine, which Stacy Young tried  
19 to sever from the Church, proudly states that it is published by  
20 CSI. Likewise, when a Scientology spokesman is wanted by the  
21 media for virtually anything about "Scientology" or the "Church,"  
22 they routinely contact CSI. When the IRS recognized CSI as tax  
23 exempt and established a group exemption so that new churches  
24 could immediately become tax exempt on the authority of the  
25 Mother Church, it was CSI to whom the group exemption authority  
26 was given. It certainly is reasonable for the public to  
27 understand statements about "Scientology" and the "Church" as  
28 referring to CSI.



1 CONCLUSION

2 65. The thrust of the declarations filed by Vaughn and  
3 Stacy Young is that the allegations made by Fishman should be  
4 believed. This is remarkable in itself since the Youngs have  
5 apparently never met him and never knew him. They appear  
6 completely willing to accept this convicted felon at face value,  
7 although he served a prison sentence for obstructing an FBI  
8 investigation of his financial scam, by telling the same lies  
9 about the Church that he is telling this Court. The Youngs  
10 devote pages to descriptions of a "Fair Game" policy that no  
11 longer exists. Yet they are silent as to their own experiences  
12 between the time they left the Church in 1989 and the time they  
13 began their careers as paid for hire witnesses. What did happen  
14 after they left the Church? There was no harassment. They were  
15 free to leave, which they did. We got on with our lives and paid  
16 them no attention. Now, nearly five years later, they have  
17 resurfaced, making outrageous accusations and participating in an  
18 effort to resurrect in this case the tactics of the GO of which  
19 Vaughn Young was once a part. The conclusion that necessarily  
20 flows from those facts is that the only reason that the Youngs  
21 feel safe enough to make their outrageously false allegations of  
22 bad conduct and harassment against the Church and me is because  
23 they know there will be no "Fair Game" retaliation, thanks to my  
24 kicking out the GO and putting a permanent end to their abuses.

25 66. Since 1981, I have heard this allegation of Fair Game  
26 literally thousands of times. Yet, I had never even heard the  
27 term until I saw it used in civil litigation, and to this day  
28 have never once heard the term used within the Church. Nor have



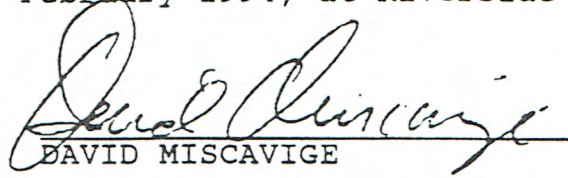
1 I ever heard, even from civil litigants, anything actually done  
2 to them. Its use is strictly as a smear tactic when one has no  
3 act to point to. Vaughn and Stacy Young know the trick and since  
4 they know the truth about the use of this tactic against  
5 Scientology, I find their declarations particularly disingenuous.

6 67. The foregoing represents what testimony I believe I had  
7 to give in this case had Geertz's counsel not refused to take the  
8 deposition of me that he persuaded the Magistrate Judge to order.  
9 The essence of the matter is this -- I do not know Fishman and I  
10 do not know Geertz, and as to my knowledge of either of them,  
11 either before or after the Time magazine article, it is nil.  
12 Having no basis to seek my testimony in this case, Geertz's  
13 counsel resurrected the same tactics that adversaries have  
14 employed for years in litigation involving the Church, namely the  
15 employment of hired guns like Vaughn and Stacy Young, to make  
16 allegations about matters of which they know nothing. Unlike the  
17 Youngs, I know the facts about the matters they address. Unlike  
18 the Youngs, I was there. Their self-proclaimed and completely  
19 non-existent "expertise" is a disingenuous litigation tactic in  
20 pursuit of harassment, and that "expertise" is shown to be  
21 fiction crafted for hire and evidence of nothing. The GO was  
22 disbanded with finality and the criminals within were forever  
23 banished. The IRS attacks were brought to a conclusion with  
24 finality. I did those things; the Youngs did not. I know those  
25 facts; the Youngs do not. The Youngs present nothing but dusted-  
26 off, discredited allegations that cannot withstand scrutiny. I  
27 have provided the Court with an accurate, first-hand account of  
28 the facts.



1 I declare under penalty of perjury under the laws of the  
2 United States of America that the foregoing is true and correct.

3 Executed this 14th day of February 1994, at Riverside County,  
4 California.  
5

6   
7 DAVID MISCAVIGE  
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H M Barlow  
First  
Plaintiff  
February 1994

Sworn

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

1984 S. No. 1675

B E T W E E N :

CHURCH OF SCIENTOLOGY ADVANCED ORGANISATION  
- SAINT HILL EUROPE AND AFRICA

Plaintiff

- and -

(1) ROBIN SCOTT  
(2) RON LAWLEY  
(3) MORAG BELLMAINE  
(4) STEVEN BISBEY

Defendants

AFFIDAVIT OF  
HELEN MARGARET BARLOW

RECEIVED

FEB 08 1994

HUB LAW OFFICES

I, HELEN MARGARET BARLOW, Solicitor's clerk with the firm of Allen, Ticehurst & Bird of 59-63 Railway Approach, East Grinstead, West Sussex RH19 1BT MAKE OATH and say as follows:

1. I am a solicitor's clerk employed by the firm of Allen, Ticehurst & Bird which firm has, since 26th November 1993, had the conduct of these proceedings on behalf of the Plaintiff in place of its former Solicitors.
2. I am authorised to make this Affidavit on behalf of the Plaintiff in reply to:-



of the Church of Scientology can be found in Chapter 21 of Exhibit HMB 1 at pp. 349-359.

9. The Second Defendant refers to Church of Spiritual Technology ("CST"). A short description of CST is found at page 8 of the booklet at Exhibit HMB 4. The Plaintiff is not aware of what documents CST may or may not have, and in any event any such documents are not in the Plaintiff's possession, custody or power. Furthermore, as can be seen from Exhibit HMB 4 at page 8, CST, while a Church of Scientology, is not part of the Scientology hierarchy. Like other Churches of Scientology, it is a separate corporate entity. Unlike the majority of those churches, however, it is not involved in the delivery of religious services to the public, but has the exclusive function of acting as an archives for the preservation of the many religious writings and taped lectures of L. Ron Hubbard.
10. The Second Defendant refers in paragraph 2 to an Affidavit of one Gerald Armstrong, sworn over 11 years ago (not sworn in these proceedings). I am informed by the Plaintiff and verily believe that Gerald Armstrong ("Armstrong") is an individual involved in litigation with Church of Scientology International and Church of Scientology of California. Armstrong is a long-time attacker of the Scientology religion, who, since the time of execution of the Affidavit referred to by the Second Defendant, testified in another case (Julie Christofferson-Titchbourne



v. Church of Scientology Mission of Davis et al Circuit Court of the State of Oregon, Multnomah County, No. A7704-05184. His testimony in this case directly contradicts the proposition on which the Second Defendant relies in support of his assertion that L Ron Hubbard was a managing agent of the Plaintiff. The following excerpt from a video tape transcript, admitted into evidence in the above-referenced case, shows that Armstrong had no knowledge of who was running the Church or who its managing agent was. In the transcript, "G" is Armstrong, "M" is Mike Rinder, a Church executive in Los Angeles.

"G: It can be done during the chaos of whatever RTC, ASI's got going. Who runs the organisation right now?

M: Which organisation?

G: All of it. Who runs it?

M: Well, it gets run through CMO Int.

G: And who are those people?

M: Well, you know, probably the same guys as when you were around."

I am informed by the Church of Scientology International's United States attorneys and verily believe that the videotape from which this transcript was made is a recording of a meeting set up by Armstrong after his sudden departure from the staff of Church of Scientology of California in late 1981. Armstrong had been in charge of a large quantity of personal and private documents belonging to L Ron Hubbard. Part of Armstrong's duties included research to support the work of an author who had been retained to write a biography of Mr Hubbard. After



Armstrong's departure, in the summer of 1982, the Church received evidence that Armstrong had stolen thousands of documents from those archives when he left the Church. Armstrong refused the demands of the Church's Counsel that he return the documents. Litigation against Armstrong was thereafter filed to recover the documents, while Armstrong pursued a plan to infiltrate and take over the Church. The meeting recorded in the videotape excerpted above was part of Armstrong's conspiracy. Armstrong had contacted Church staff members who, while pretending to work with Armstrong, actually remained loyal to the Church. They received permission from the Los Angeles Police Department to tape this meeting. The videotape further shows that Armstrong intended to (1) recruit additional persons to create "as much shit for the organisation as possible"; (2) foster this plan by creating sham lawsuits against the Church; (3) seed the Church's files with forged and "incriminating" documents which would then be seized in a raid by the IRS as part of its investigations. He claimed the ability to create documents with relative ease because he "did it for a living"; (4) take control of the Church after such a raid; and (5) lie under oath to prevent discovery and to protect his co-conspirators, as evidenced by his statements that "we don't have to prove a goddam thing. We don't have to prove shit; we just have to allege it" and that if he is deposed "no-one will ever get any names, any communications, any times, any dates or anything out of me, that's just the way it is." There is now produced and



shown to me marked "HMB 7" a copy of the pertinent extracts from that tape transcript. More recently Armstrong has been quoted in the press, expressing his opposition to the use of currency as the basis of the economy, as the self-proclaimed founder of the "Organisation of United Renunciants". There is now produced and shown to me marked "HMB 8" a copy of a newspaper article containing information on Mr Armstrong's latest activities, including a nude photograph of Mr Armstrong.

11. I am informed by the Plaintiff and verily believe that L Ron Hubbard ran the early Dianetics and Scientology organisations until 1966, when he retired from running them on a day to day basis and turned this function over to Scientology Church executives; and that he continued to take an interest in the Church's expansion and advised on administrative matters when specifically asked for advice but he mainly spent his time researching the upper levels of Scientology and codifying the technology. I refer this Honourable Court to pp. 633-636 of Exhibit HMB 1 which gives information relating to that period of L Ron Hubbard's life. The Second Defendant's claims that Mr Hubbard controlled the Church of Scientology and received inurement of millions of dollars of funds from the Church was exposed as false by the IRS. If such allegations had not been proven false in the IRS's extensive and exhaustive enquiry which went back a number of years before L Ron Hubbard's death, the IRS would never have granted exemption







EUGENE M. INGRAM  
INGRAM INVESTIGATIONS  
California License Number AA9387  
1212 North Vermont Avenue  
Los Angeles, California 90029

November 7, 1984

To: EUGENE M. INGRAM, PRIVATE INVESTIGATOR

From: PHILLIP RODRIGUEZ, POLICE OFFICER, NORTHEAST DIVISION, CITY OF  
LOS ANGELES

I hereby direct EUGENE M. INGRAM and his employees/agents or other persons acting under his direction, to intentionally and without the consent of all parties to a confidential communication, by means of any electronic amplifying or recording device, eavesdrop upon or record such confidential communication, whether such communication is carried on among such parties in the presence of one another or by means of a telegraph, telephone or other device, for the period November 7, 1984 thru November 14, 1984; provided however, that if recordings are accomplished on any day during the above period, EUGENE M. INGRAM is to report the results to me for further direction by me.

This authorization shall specifically pertain to the investigation of GERRY ARMSTRONG, MICHAEL J. FLYNN, AND OTHERS NOT KNOWN AT THIS TIME, regarding possible criminal violations of, but not limited to, California Penal Code §664 (Attempts), §134 (Preparing False Documentary Evidence), §182 (Conspiracy) and/or any other violations of criminal laws.

This authorization is in compliance with California Penal Code §633.

Signed in Los Angeles, California, on November 7, 1984.



OFFICER PHILLIP RODRIGUEZ  
SERIAL NUMBER 16924  
LOS ANGELES POLICE DEPARTMENT







April 23, 1985

PUBLIC ANNOUNCEMENT  
BY  
DARYL F. GATES  
CHIEF OF POLICE, LOS ANGELES

It has come to my attention that a member of the L. A. P. D. very foolishly, without proper authorization and contrary to the policy of this Department, signed a letter to Eugene M. Ingram, believed to have been drafted by Ingram himself. The letter purports to authorize Ingram to engage in electronic eavesdropping. The letter, along with all the purported authorization, is invalid and is NOT a correspondence from the Los Angeles Police Department.

The Los Angeles Police Department has not cooperated with Eugene Ingram. It will be a cold day in hell when we do.

I have directed an official letter to Ingram informing him that the letter signed by Officer Phillip Rodriguez dated November 7, 1984, and all other letters of purported authorizations directed to him, signed by any member of the Los Angeles Police Department, are invalid and unauthorized.

Internal Affairs Division is now investigating the entire incident



THIS IS TO CERTIFY THAT I HAVE EXAMINED THE ORIGINAL OF THIS DOCUMENT AND FIND THIS REPRODUCTION TO BE A TRUE COPY OF SAME, MADE WITHOUT ALTERATIONS OR ERASURES.

By Sgt. E. Hernandez 44828  
RECORDS & IDENTIFICATION DIVISION  
LOS ANGELES POLICE DEPARTMENT

Dated: 5-16-85